5410.8

DEFENSE CONTRACT AUDIT AGENCY
CAMERON STATION
ALEXANDRIA, VIRGINIA 22304-6178

CMR

DCAA REGULATION
NO. 5410.8

17 May 1989

DCAA FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

References: (a) DoD Directive 5400.7, DoD Freedom of Information Act Program, May 13 1988
(b) DoD Regulation 5400.7-R, DoD Freedom of Information Act Program, June 1987
(c) Title 5, United States Code, Section 552, as amended
(d) DCAA Instruction 5025.2, Index of DCAA Publications and Numbered Memorandums
(e) DoD Directive 5400.9, Publication of Proposed and Adopted Regulations Affecting the Public
(f) DCAA Regulation 5200.1, Control and Protection of "For Official Use Only" Information

A. REISSUANCE AND PURPOSE. To assign responsibilities and establish policies and procedures for a uniform DCAA Freedom of Information Act (FOIA) program pursuant to the provisions of reference (c) cited above, as supplemented by references (a) and (b).

B. CANCELLATION. DCAA Instruction 5410.8, DCAA Freedom of Information Act (FOIA) Program, dated 27 August 1981 and DCAA Regulation 5410.5, Availability to the Public of Defense Contract Audit Agency (DCAA) Information, dated 14 April 1987 are superseded.

C. APPLICABILITY AND SCOPE. This regulation shall apply to all DCAA organizational elements, and is to govern written responses by DCAA officials for requests from members of the public for permission to examine, or to be provided with copies of DCAA records.

D. POLICY.

1. It is the policy of DCAA to promote public trust by making the maximum amount of information available to the public, upon request, pertaining to the operation and activities of the Agency.

2. Allow a requester to obtain records from the Agency that are available through other public information services without invoking the FOIA.

3. Make available, under the procedures established by references (a) through (c), those records that are requested by a member of the general public who cites the FOIA.

4. Answer promptly all other requests for information and records under established procedures and practices.

5. Release records to the public unless those records are exempt from disclosure as prescribed by references (a) and (c), and implemented by reference (b).

D1.6/10:

6. Process requests by individuals for access to records about themselves under the **Privacy Act** procedures as implemented by DoD Directive 5400.11 or procedures outlined in references (b) and (c).

7. Refer incoming requests for audit reports to the appropriate activity for release determination. The requester shall than be notified in writing of the referral.

8. Coordinate incoming requests for non-DCAA documents with the originator of the document to determine if the originator will make the release determination. If a referral occurs the requester shall be notified in writing of the referral.

E. DEFINITIONS. The terms used in this regulation, with the exception of the following, are defined in DoD 5400.7-R:

1. **Appellate Authority**. The Assistant Director, Resources, or his designee.

2. **Initial Denial Authorities (IDAs).** The regional directors, and the Records Administrator, have been delegated the authority by the Director, DCAA, to make initial determinations as to the releasability of DCAA records to the public, including defense contractors. **This authority may not be redelegated.** Requests for records shall be processed as outlined in this regulation.

F. RESPONSIBILITIES.

1. Headquarters.

a. **The Assistant Director, Resources** is responsible for:

(1) The overall Agency-wide administration of the DCAA FOIA Program, through the Information Resources Management Branch (CMR), Records Administrator, to ensure compliance with the policies and procedures that govern the program.

(2) Acting as the designee for the Director, DCAA, serving as the sole appellate authority for appeals to decisions of respective IDAs.

(3) Advising the Assistant Secretary of Defense (Public Affairs) (ASD(PA)) of cases of public interest, particularly those on appeal, when the issues raised are unusual or precedent setting, matters of disagreement among DoD components, are of concern to agencies outside the Department of Defense, or may otherwise require special attention or guidance.

(4) Advising the ASD(PA) and the Executive Officer, DCAA, concurrent with the denial of a request or an appeal, when circumstances suggest a news media interest.

(5) Conferring with the General Counsel; the Assistant Director, Operations; and the Assistant Director, Policy and Plans, on the desirability of reconsidering a final decision to deny a record, if that decision becomes a matter of special concern because it involves either an issue of public concern of DoD-wide consequences.

(6) Accomplishing program overview, in cooperation with the General Counsel, to ensure coordinated guidance to components, and to provide the means of assessing the overall conduct of the Agency's FOIA Program.

(7) Directing required studies, and surveys to facilitate the implementation of Title 5, U.S.C. Section 552, as amended, and to evaluate the FOIA program in DCAA.

(8) Responding to corrective action recommended by the Special Counsel of the Merit Systems Protection Board for arbitrary or capricious withholding of records by designated employees of the Agency.

(9) Submitting the Agency's annual FOIA report as prescribed by reference (b).

o. **The Records Administrator**, (CMR) is responsible for:

(1) Making the initial determination for Headquarters, DCAA, on the release of Agency records to members of the public.

(2) Coordinating with the Agency's General Counsel on proposed denials of records.

(3) Advising the Assistant Director, Resources; General Counsel; and/or the Executive Officer; as appropriate, when cases are of particular interest; are matters of disagreement among DoD components or DCAA organizational elements; are of concern to agencies outside the DoD; have news media interest; or require special attention or guidance.

(4) Establishing and maintaining a control system for assigning FOIA case numbers to FOIA requests received by Headquarters and regional offices. This system shall be designed to ensure compliance with the FOIA, and will not only provide controls to maintain responsiveness in handling requests but will also employ methods to ensure accurate cost accounting reporting for the assessment of fees.

(5) Maintaining a record of FOIA requests received by Headquarters. This record is to contain the requester's identification, the date of the request, type of information requested, and type of information furnished. This record will be maintained and disposed of in accordance with DCAA records maintenance and disposition regulations and schedules.

(6) Preparing and submitting the Agency's annual FOIA Report prescribed by references (a) and (b), as well as preparing and submitting, as required, any additional information requirements.

(7) Preparing and submitting the bi-monthly FOIA status report.

(8) Issuing DCAA FOIA regulations and any other discretionary instructions or guidance required to ensure timely and uniform implementation of the FOIA program.

(9) Providing Agency-wide policy guidance pertaining to the overall conduct of the Agency's FOIA program.

(10) Publishing in the **Federal Register** any instructions necessary for the administration of the FOIA program. Information specified in paragraph (a)(1), of reference (c), shall be published in accordance with DoD Directive 5400.9, reference (e).

(11) Developing and conducting training on the provisions of this regulation, references (a), (b), and reference (c), as amended, for those individuals who implement the FOIA.

(12) Making available for public inspection and copying in an appropriate facility or facilities, in accordance with rules published in the **Federal Register**, the records specified in paragraph (a)(2) of reference (c), unless such records are published and copies are offered for sale. Maintain and make available for public inspection and copying current indices of these records.

c. **The Executive Officer** shall serve as the coordinator for the release of information to the news media.

d. **The General Counsel** is responsible for:

(1) Ensuring uniformity is maintained in the legal position, and the interpretation of references (a) through (c), as well as this regulation.

(2) Consulting with the DoD General Counsel on final denials that are inconsistent with decisions of other components, involve issues not previously resolved, or raise new or significant legal issues of potential significance to other Government agencies.

(3) Providing advice and assistance to the Assistant Director, Resources; Regional Directors; and the Regional FOIA Coordinators, through the Records Administrator, CMR, as required, in the discharge of their responsibilities.

(4) Coordinating FOIA litigation with the Department of Justice.

(5) Coordinating on Headquarters denials of initial requests.

e. **Heads of Principal Staff Elements** are responsible for:

(1) Reviewing all regulations or other policy and guidance issuances for which they are the proponent to ensure consistency with the provisions of this regulation.

(2) Ensuring that the provisions of this regulation are followed in processing requests for records.

(3) Forwarding to the Records Administrator, CMR, any FOIA request received directly from a member of the public, so that the request may be administratively controlled.

(4) Ensuring the prompt review of all FOIA requests received from CMR, and when required, coordinating those requests with other organizational elements.

(5) Providing recommendations to CMR regarding releasability of DCAA records to members of the public, along with the releasable documents and the completed DD Form 2086, "Record of Freedom of Information (FOI) Processing Cost," for every FOIA request to which they respond.

(6) Providing the appropriate documents, along with a written justification to CMR for the denial, in whole or in part, of a request for records. Those portions to be excised should be highlighted in colored pen or pencil, and the specific exemption or exemptions which provides the basis for denying the record(s) should be identified.

2. **Regional Directors** are responsible for:

a. Making the initial determination pertaining to the releasability of DCAA records to members of the public. **This authority cannot be re-delegated.**

b. Designating an individual to serve as the Regional FOIA Coordinator.

c. Delegating signature authority for FOIA correspondence which is considered only to be routine in nature, e.g., referrals and the release of information.

d. Issuing regional instructions that are consistent with the policies and procedures defined in this regulation.

e. Directing, when required, the necessary surveys or studies to further facilitate the implementation of activities related to the DCAA FOIA Program.

f. Providing, in coordination with the Records Administrator, CMR, the appropriate training on the provisions and requirements of this regulation for those individuals who are responsible for implementing the FOIA program.

3. **Regional FOIA Coordinators** are responsible for:

a. Establishing and maintaining a control system to ensure proper accountability and processing of FOIA requests.

b. Contacting the Records Administrator, CMR for a FOIA case number upon receipt of a FOIA request.

c. Providing, by telecopier to the Records Administrator, CMR, a copy of the request containing the FOIA case number, date received, and the suspense date.

d. Communicating with the Records Administrator, CMR, on those FOIA requests which are sensitive in nature, to maintain uniformity and consistency in the Agency's FOIA program.

e. Ensuring all interim or final responses to requesters are made within the prescribed timeframe of 10 workdays.

f. Notifying the requester, within the 10 day suspense period, that the request is being referred to a contracting activity.

g. Submitting, upon completion of the request, DCAA Form 5410.2, "Statistical Report of FOIA Request," (Enclosure 2), accompanied by: (1) copies of all correspondence relating to the request, and (2) DD Form 2086 properly annotated to show the correct processing costs.

h. Conducting, when necessary, training on the FOIA program to the FAOs.

4. **Managers, Field Audit Offices (FAOs)** are responsible for:

a. Overall management and administration of the FOIA program within organizations under their cognizance.

b. Ensuring that the appropriate FOIA Coordinator promptly receives all incoming FOIA requests.

G. PROCEDURES.

1. The following are authorities and procedures for processing material in accordance with the FOIA. DCAA personnel shall comply with the provisions of the FOIA, reference (c), and this regulation.

2. **Public Inspection and Copying.**

a. 5 U.S.C., Section 552(a)(2) requires agencies to make available for public inspection and copying those materials discussed in references (b) and (c), and this regulation.

b. DCAA documents pertaining to contract audit are disseminated to staff under the Quarterly Index of DCAA Numbered Publications and Memorandums (DCAA Instruction 5025.2).

c. The numbered publications discussed in the above paragraph are frequently amended or supplemented by interim numbered memorandums pending formal revision to the numbered publication. Additionally, numbered memorandums are issued as auxiliary illustrations and managerial reminders. Such staff memorandums are indexed in the Quarterly Index of DCAA Numbered Publications and Memorandums. Memorandums issued by Headquarters are referred to as Memorandum for Regional Directors (MRDs).

d. The DCAA Quarterly Index of Numbered Publications and Memorandums is not published in the **Federal Register** because of the volume, and the limited applicability to the general public. However, it is available upon request at no cost to the general public.

e. DCAA Headquarters and each of the six regional offices will publish a quarterly index of the documents referenced above. Documents that are generally available to the public will be maintained in the reading rooms of the Headquarters, regional offices, FAOs, and the Defense Contract Audit Institute.

f. Documents identified in the DCAA Headquarters or regional quarterly indices are available to the public from DCAA or the Superintendent of Documents. However, in some instances, it may be necessary to deny all or portions of a document if disclosure of information in the document would constitute a clearly unwarranted invasion of personal privacy. In such cases, the requester will be advised fully in writing of the rationale for invoking the exemption.

3. **Requests for the Examination or Copies of Records.**

a. Members of the public may make written requests for copies of DCAA records or for permission to examine such records during the normal business hours. Such requests must be in writing and expressly indicate that it is a request under the Freedom of Information Act, 5 U.S.C., Section 552, or this regulation. These requests should be submitted directly to the appropriate DCAA component listed in Enclosure 3 of this regulation. If the appropriate component is either unknown or cannot be ascertained, and the record is likely to be in the possession of DCAA, the request may be submitted to Headquarters, DCAA, ATTN: CMR, Cameron Station, Alexandria, Virginia 22304-6178.

b. When submitting requests, requesters should:

(1) Identify each record sought with sufficient detail to permit easy access. Information as to where the record originated, subject, date, number, or any other identifying particulars should be provided whenever possible. DCAA elements receiving requests which do not reasonably describe the record requested will advise the requester accordingly. Generally, a record is not reasonably described unless the requester provides information permitting an organized, nonrandom search of DCAA files and/or information systems. In providing descriptions based on events, the requester must provide information which permits DCAA components to infer the specific record sought.

(2) Identify all other Federal agencies subject to the provisions of the Freedom of Information Act to which the request has been sent. This will reduce both processing and coordination time between agencies, as well as redundant referrals.

(3) Provide a statement of their willingness to pay assessable charges cited under the schedule of fees in reference (b). The statement must include a specific monetary amount if the assessable fees are likely to exceed the minimum amount specified by reference (b) or a specific justification for any waiver or reduction of fees sought based on public interest in release or disclosure. Requesters should also substantiate any claim for the assessment of fees under a specific fee category as explained in reference (b). DCAA components will notify requesters of deficiencies in fee declarations, and provide them the opportunity to amend initial declarations. Determinations on the adequacy of requester fee declarations are not subject to appeal unless: (1) the DCAA component has denied a specific request for the assessment of fees under one of the categories established in reference (b) or (2) has denied a request for the waiver or reduction of fees in the public interest.

c. When a DCAA component has no records responsive to a request, the requester will be notified promptly. In cases where the request has been misdirected and the component is aware of the appropriate FOIA respondent, the component shall refer the request to the appropriate DCAA component or other agency through FOIA channels, and notify the requester of the referral. The 10 working day period allowed for responding to requests will not begin until the DCAA component having the responsive records receives a request complying with procedural requirements of this regulation, including statements on the payment of fees.

d. The provisions of the FOIA are intended for parties with private interests. Officials seeking documents or information on behalf of foreign governments, other Federal agencies, and state or local agencies should be encouraged to employ official channels. The release of records to individuals under the FOIA is a public release of information. DCAA components will consider FOIA requests from such officials as made in a private, rather than official capacity, and will make disclosure and fee determinations accordingly.

3. **Referrals.**

a. Records originating in or based on information obtained from other Federal agencies subject to the FOIA may be referred to that agency. In processing FOIA requests for such records, DCAA components, after coordinating with the originating agency, will refer the request, along with a copy of the responsive records in its possession, to that agency for direct response. The requester is to be notified of the referral.

b. The Director, DCAA, has delegated to the regional directors and Records Administrator, CMR the authority to make initial determinations as to the release of DCAA records to the public, including Defense contractors. **This authority may not be redelegated.** Therefore, requests for records should be processed as follows:

(1) **HEADQUARTERS OFFICES, INCLUDING DCAI, TECHNICAL SERVICES CENTER, FIELD DETACHMENT, AND PLA/JLA**, shall promptly refer all requests for DCAA records to the Records Administrator, Headquarters, DCAA, ATTN: CMR, Cameron Station, Alexandria, VA 22304-6178.

(2) **FIELD AUDIT OFFICES (FAOs)** shall promptly refer all requests for DCAA records to the cognizant regional director.

c. **Referral of Audit Reports.** Audit reports prepared by DCAA are prepared for the use of the contracting officers, and their release should be at the discretion of the contracting activity. Therefore, any FOIA request for audit reports should be referred to the cognizant contracting activity and the requester notified of the referral. Initial Denial Authorities shall process requests for audit reports as follows:

(1) **DEFENSE LOGISTICS AGENCY (DLA).** If the cognizant contracting officer is an official of DLA, the request will be referred to the appropriate **Defense Contract Administration Services Region** or buying center. Since DLA contracting officers do not have initial denial authority, this avoids a second referral action and unnecessary delay in responding to the request. (Refer to reference b for a listing of DoD component addresses).

(2) **UNITED STATES AIR FORCE (USAF).** If the cognizant contracting officer is an USAF official, the request will be referred to the appropriate USAF Command. Since USAF contracting officers do not have initial denial authority, this avoids a second referral action and unnecessary delay in responding to the request. (Refer to reference b for a listing of DoD component addresses).

(3) **ARMY MATERIEL COMMAND.** If the cognizant contracting officer is a Army Materiel Command official, the request will be referred to: Freedom of Information Officer, Headquarters, Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001.

(4) **OTHERS.** All other requests for audit reports shall be referred to the address of the cognizant contracting officer. Referral letters should provide the name and address of the contracting officer, and as much information as possible to assist in preparing a timely reply to the requester.

d. **Referral of Work Papers**. When a request seeks workpapers, the cognizant contracting officer must furnish a notice of disposition to the appropriate activity pertaining to the releasability of the audit report. The notice of disposition will then be used to determine releasability of the workpapers.

e. All other requests should be directed to the appropriate Regional Director, if known. When the location of the record is not known, the request should be directed to the Records Administrator, CMR.

4. **Time Limits.** DCAA components are to respond promptly to requesters complying with the procedural requirements outlined in this regulation.

a. Upon receipt of a properly submitted FOIA request, DCAA components should contact the Records Administrator, CMR for a FOIA case number. IDAs should: (1) locate and assemble responsive records, (2) determine releasability under the provisions of this regulation, (3) determine the appropriate fees to be charged, and (4) advise the requester accordingly. Initial determinations on either the release or denial of records, and notice to requesters, must be provided within **10 working days** following receipt of the request by the cognizant component.

b. In certain cases, IDAs may need to exercise an extension to the normal 10 working day period cited above. IDAs are to notify the requester, within the initial 10 working day period, of the extension, the circumstances necessitating it, and the anticipated date of a determination. Approved extensions are not to exceed 10 working days, and all extensions should be indicated on DCAA Form 5410, Sections 10 and 11. Circumstances where such extensions may be approved include:

(1) The record(s) sought are geographically located at places other than the component processing the request.

(2) The request requires the collection and review of a substantial number of records.

(3) The disclosure determination requires consultation with another DCAA component or agency with a substantial interest.

c. As an alternative to the above, DCAA components may seek informal agreements with requesters for extensions in unusual circumstances when time limits become an issue in the component's response to the request.

d. Misdirected requests should be referred within 10 working days to the proper agency or DCAA component through FOIA channels, and the requester notified of the referral. The 10 working day period allowed for responding to requests will not begin until the DCAA component having the responsive records receives the request.

5. **Initial Disclosure Determinations.**

a. Initial determinations to make records available may **only** be made by those IDAs designated in this regulation. When a decision is made to release records in response to a FOIA request, DCAA components will promptly make the records available to the requester. When the request is for the examination of releasable records, DCAA components will advise the requester when and where he/she may appear. Examinations will be held during normal business hours. If a record is not provided in response to a FOIA request, the IDA will advise the requester, in writing, of the rationale for not providing the record.

b. IDAs should consult the Executive Officer, prior to releasing records on matters considered newsworthy or when releasing records to media representatives. Copies of all released material of this nature should be submitted to the Executive Officer.

c. The following reasons are provided for not releasing a record in response to a FOIA request:

(1) The information or item requested is not a record within the meaning of the FOIA in accordance with references (a) through (c), and this regulation.

(2) The record has not been sufficiently described to enable DCAA to locate it by conducting a reasonable search.

(3) The requester has failed to comply with procedural requirements, including agreements to pay assessable fees, imposed by references (b), (c), and this regulation.

(4) DCAA determines through knowledge of its files and reasonable search efforts that it neither controls nor possesses the requested record or that the requested record does not exist.

(5) The request is withdrawn by the requester.

(6) The request is transferred to another DCAA component or agency.

6. **Denials.**

a. A record in the possession and control of DCAA may be withheld **only** when the record falls within one or more of the nine categories of records exempt from mandatory disclosure under the

FOIA, and the use of discretionary authority to release the record is determined to be unwarranted, see reference (b).

b. Although exempt portions of records may be denied, nonexempt portions must be released to the requester when the meaning of these portions is not distorted by the deletion of denied portions, and when it can reasonably be assumed that the excised information could not be reconstructed. When a record is denied in whole, based on distortion or reconstruction potential, the IDA will prepare a response advising the requester of the determination, and the response will specifically state that is it not possible to reasonably segregate meaningful portions for release.

c. When a request for a record is denied in whole or in part, the IDA will inform the requester in writing of the specific exemption(s) on which the denial is based and explain the determination in sufficient detail to permit the requester to make a decision concerning appeal. The determination will also inform the requester of his/her appeal rights. All appeals should be made within 60 calendar days from the date of the initial denial, contain the reasons for the requester's disagreement with the determination, and be addressed to the Assistant Director, Resources, Headquarters, DCAA, Cameron Station, Alexandria, VA 22304-6178.

d. Records or portions of records which have been previously released become part of the public domain, and cannot be denied thereafter.

7. **Administrative Appeals of Denials.**

a. If the IDA declines to provide a record because he/she considers it exempt, that decision may be appealed by the requester, in writing, to the Assistant Director, Resources, DCAA. The appeal should be accompanied by a copy of the letter denying the initial request. Such appeals should contain the basis for disagreement with the initial refusal. Appeal procedures also apply to the disapproval of a request for waiver or reduction of fees. A "no record" finding may not be appealed, although the requester may ask the Agency to search other files or the requester may provide more detailed identification to facilitate another search. Records which are denied should be retained during the time permitted for appeal.

b. IDAs shall advise the requester that an appeal should be filed so that it reaches the designated appellate authority no later than 60 calendar days after the date of the initial denial letter. At the conclusion of this period, except for good cause shown as to why the appeal was not timely, the case may be considered closed; however, such closure does not preclude the requester from filing litigation for denial of his appeal. If the requester has been provided a series of determinations for a single request, the time for appeal will begin on the date of the last determination of the series.

c. Final determinations normally shall be made within 20 working days of receipt of an appropriately submitted appeal.

8. **Delay in Responding to an Appeal.**

a. When additional time is required to respond to the appeal for the reasons outlined in subparagraph G.4.b., the final determination may be delayed for the number of working days (not to exceed 10 days) that were not utilized as additional time for responding to the initial request. Requesters shall be advised that, if the delay exceeds the statutory extension provision or is for reasons other than the unusual circumstances identified in subparagraph G.4.b., they may consider their administrative remedies exhausted. They may, however, without prejudicing their right of

judicial remedy, await a substantive response. DCAA shall continue to process the case expeditiously, whether or not the requester seeks a court order for release of the records, but a copy of any response provided subsequent to filing a complaint shall be forwarded to the Department of Justice.

b. When the Assistant Director, Resources, DCAA, makes a determination to release all or a portion of the records on appeal, the records shall be made available promptly to the requester after compliance with procedural requirements, such as payment of fees. The final denial of a request will be made in writing, explain the exemption(s) invoked, advise that the material being denied does not contain meaningful portions that are reasonably segregable, and also advise the requester of the right of judicial review.

9. **Judicial Action.** A requester will be deemed to have exhausted his administrative remedy after he has been denied the requested record by the Assistant Director, Resources, or when the Agency fails to respond to his request within the time limits prescribed by reference (b) and this regulation. The requester may then seek an order from a U.S. District Court in: (1) the district in which he resides or has his principal place of business; (2) the district in which the record is situated; or (3) in the U.S. District Court for the District of Columbia, enjoining the Agency from withholding the record and ordering its production.

I. FEES.

1. Fees shall be determined in accordance with the DoD fee schedule reference (b). Fees reflect direct costs for search, review (in the case of commercial requesters), and duplication of documents, collection of which is permitted by the FOIA. Fees are subject to limitations on the nature of assessable fees based on the category of the requester established in reference (b); statutory and automatic waivers based on the category determination and cost of routine collection; and either the waiver or reduction of fees when disclosure serves the public interest.

2. Fees will not be charged when direct costs for a FOIA request are less than the automatic fee waiver threshold specified in reference (b), regardless of category.

3. **Fee Assessment.** In order to be as responsive as possible to FOIA requests, DCAA components should adhere to the following when assessing fees:

a. Evaluate each request to determine the requester category and adequacy of the fee declaration. An adequate declaration requires a willingness by the requester to pay fees in an amount equal to, or greater than, the assessable charges for the request.

b. Provide requesters an opportunity to amend inadequate fee declarations and provide estimates of prospective charges when required. When a requester fails to provide an adequate declaration within 30 days after notification of a deficiency, the request for information will be considered withdrawn.

c. A requester's claims for assessment of fees under a specific category will be carefully considered. The IDA may require a requester to substantiate a claim for assessment under a claimed category. In the absence of requester claims, the IDA will determine the category into which a requester falls, basing its determination on all available information.

d. When a DCAA component disagrees with a requester claim for fee assessment under a specific category, the IDA will provide the requester with written determination indicating the

following: (1) the requester should furnish additional justification to warrant the category claimed; (2) a search for responsive records will not be initiated until agreement has been attained relative to the category of the requester; (3) if further category information has not been received within a reasonable period of time, the component will render a final category determination; and (4) the determination may be appealed to the Assistant Director, Resources, within 60 calendar days of the date of the determination.

4. Components may not require advance payment of fees, reference (b). However, when a DCAA component determines that allowable charges are likely to exceed the $250 amount specified in reference (b), the component may require a provisional payment in an amount up to the full estimated charges. Provisional payments may not be required for requests with estimated fees of the amount specified in reference (b) or less.

5. Where a requester has previously failed to pay a fee charged within 30 calendar days from the date of billing, DCAA components may require the requester to pay the full amount due, plus any applicable interest or demonstrate satisfaction of the debt, and to make an advance payment of the full amount of estimated fees, before processing begins on a new or pending request.

6. The administrative time limits for responding to a request will begin only after the component has received an adequate declaration from the requester stating a willingness to pay fees, and satisfaction that all outstanding debts have been paid.

7. DCAA components can bill requesters in accordance with reference (b) for services provided in responding to a request. Payment of fees may be made by personal check, bank draft drawn on a U.S. bank, or by U.S. Postal money order. All payments of this type are to be made payable to the U.S. Treasurer.

8. **Aggregating Requests**. Occasionally, a requester may file multiple requests at the same time, each seeking portions of a document or documents, solely to avoid payments of fees. When a component reasonably believes that a requester is attempting to do so, the component may aggregate such requests and charge accordingly. One element to be considered in determining whether a belief would be reasonable is the time period in which the requests have occurred. In no case may components aggregate multiple requests on unrelated subjects from one requester.

9. **Fee Waivers.**

a. The determination to waive fees is at the discretion of IDAs designated in this regulation in accordance with 5 U.S.C. 552 and reference (b). When direct costs for a FOIA request total the automatic fee waiver threshold specified in reference (b), or is less, fees shall be waived automatically for all requesters, regardless of category.

b. Documents will be furnished without charge, or at a charge reduced below fees assessed to the categories of requesters listed in reference (b), when the IDA determines that a waiver or reduction of fees is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations of DCAA, and is not primarily in the commercial interest of the requester. DCAA components should refer to reference (b) for factors to consider in applying fee waivers due to public interest. Each fee decision must be considered on a case-by-case basis and upon the merits of the information provided in each request. When the question of whether to charge or waive the fee cannot be clearly resolved, components should rule in favor of the requester.

J. INFORMATION/REPORTING REQUIREMENTS. The reporting requirements in reference (b) have been assigned Reports Control Symbol DD-PA(A)1365.

K. EFFECTIVE DATE. This regulation is effective upon receipt.

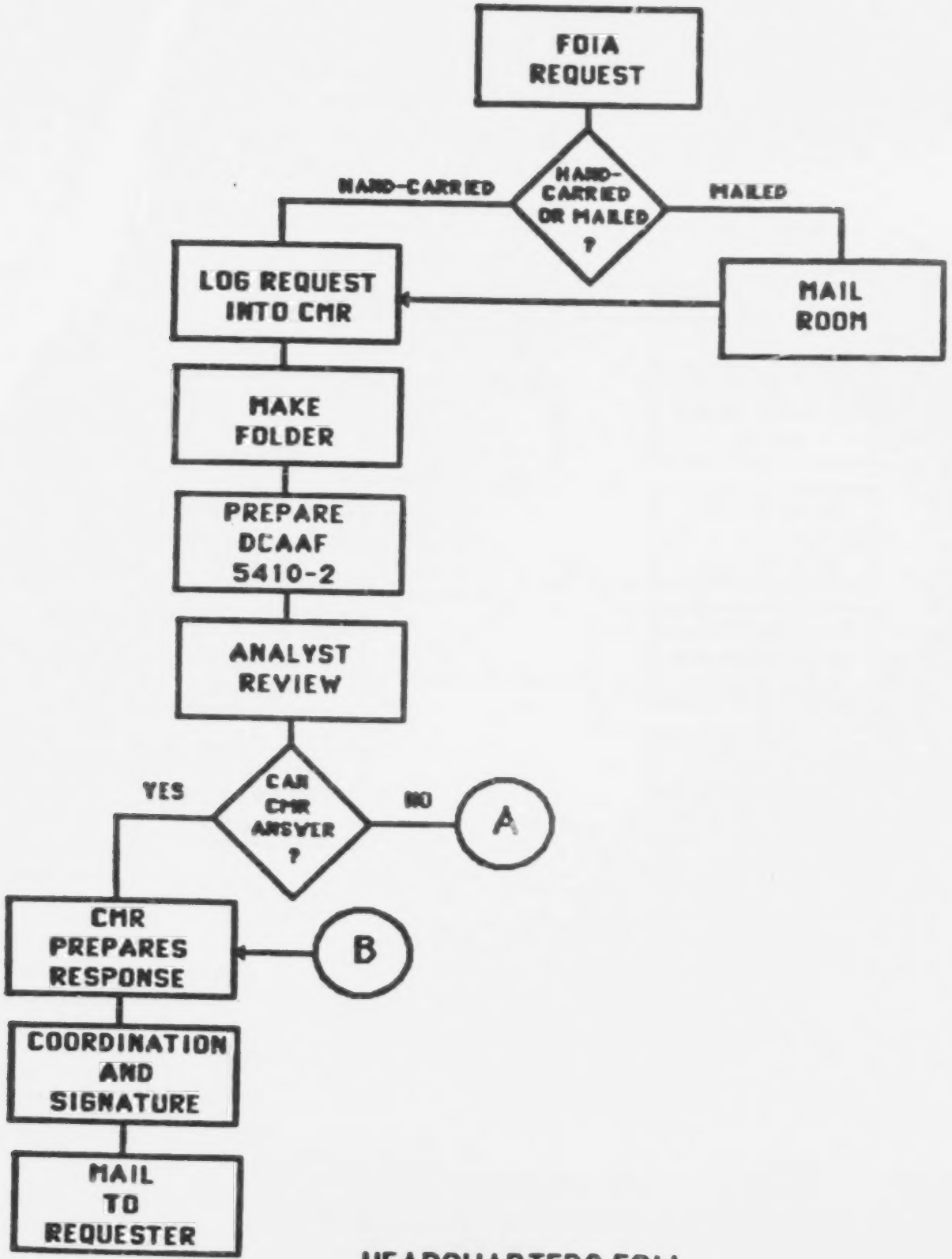
William H. Reed

William H. Reed
Director

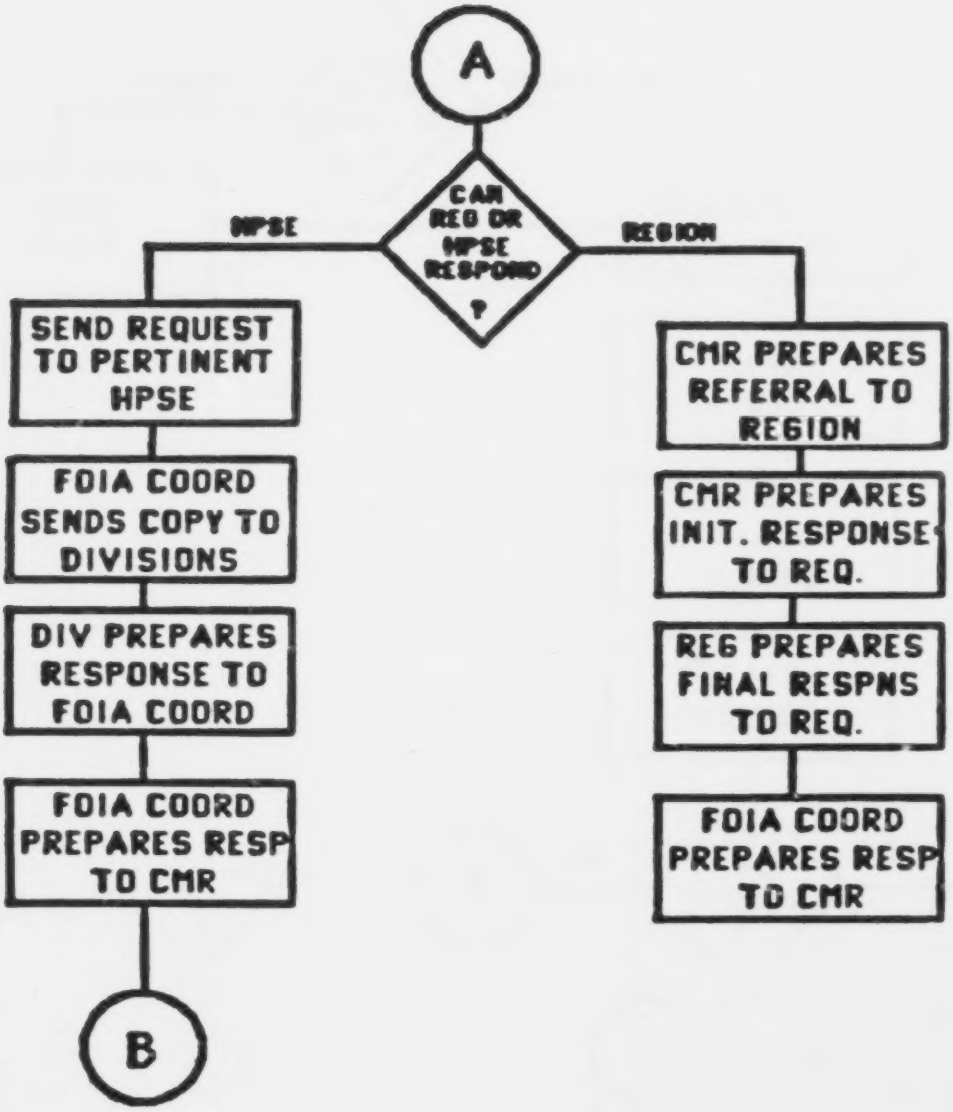
Enclosures
1. DCAA Headquarters and Regional FOIA Processing Procedure Charts
2. DCAA Form 5410-2
3. DCAA Organization and Mission

DISTRIBUTION

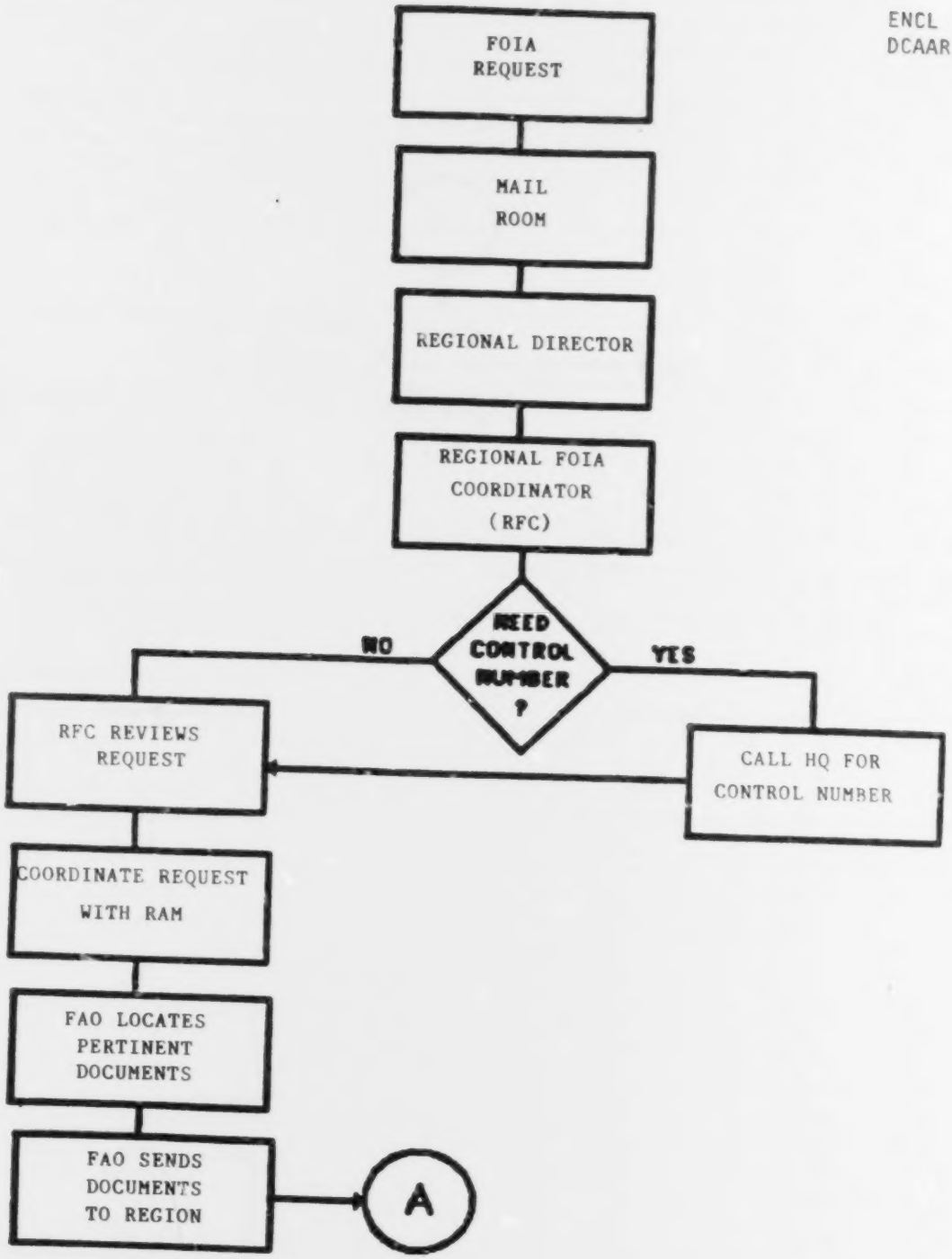
C, G, P



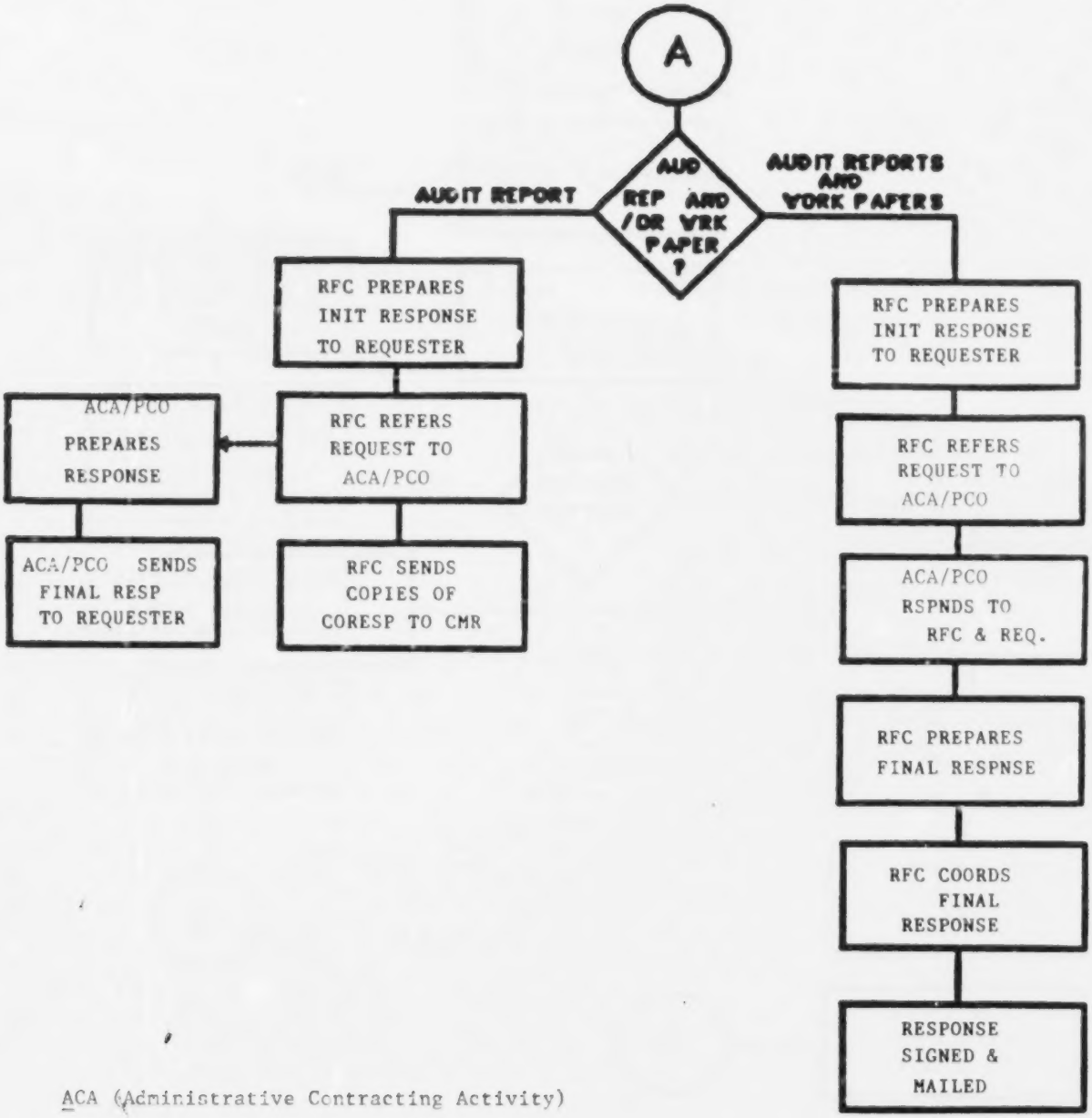
HEADQUARTERS FOIA
PROCESSING PROCEDURES


A
CAN REG OR HPSE RESPOND ?
HPSE
REGION
SEND REQUEST TO PERTINENT HPSE
FOIA COORD SENDS COPY TO DIVISIONS
DIV PREPARES RESPONSE TO FOIA COORD
FOIA COORD PREPARES RESP TO CMR
B
CMR PREPARES REFERRAL TO REGION
CMR PREPARES INIT. RESPONSE TO REQ.
REG PREPARES FINAL RESPNS TO REQ.
FOIA COORD PREPARES RESP TO CMR

HEADQUARTERS FOIA PROCESSING PROCEDURES (CONT'D)



REGIONAL FOIA PROCESSING PROCEDURES


A
AUD REP AND /OR WRK PAPER ?
AUDIT REPORT
AUDIT REPORTS AND WORK PAPERS
RFC PREPARES INIT RESPONSE TO REQUESTER
RFC REFERS REQUEST TO ACA/PCO
ACA/PCO PREPARES RESPONSE
ACA/PCO SENDS FINAL RESP TO REQUESTER
RFC SENDS COPIES OF CORESP TO CMR
RFC PREPARES INIT RESPONSE TO REQUESTER
RFC REFERS REQUEST TO ACA/PCO
ACA/PCO RSPNDS TO RFC & REQ.
RFC PREPARES FINAL RESPNSE
RFC COORDS FINAL RESPONSE
RESPONSE SIGNED & MAILED

ACA (Administrative Contracting Activity)

PCO (Procurement Contracting Officer)

REGIONAL FOIA PROCESSING PROCEDURES (CONT'D)

ENCL 2
DCAAR 5410.9

STATISTICAL REPORT OF FOIA REQUEST

REPORT CONTROL SYMBOL
CMR(AR)-161

INSTRUCTIONS
1 Complete items 1 through 10 as soon as you receive the request
2 Complete all remaining items as soon as you complete your final action and forward this form immediately to HQ (CMR)
3 Attach to this report a copy of the request, all correspondence and a completed DD Form 2086 showing your processing costs
4 If you have a request that is still open on 1 Apr, 1 Aug or 1 Jan, submit a status report by completing item 16

TO	1 FROM (Region)	2a CONTROL NO	2b ___ Interim report ___ Final report
HQ DCAA (CMR)			

3 REQUESTER			
4 NAME OF INDIVIDUAL SIGNING REQUEST		5 ON BEHALF OF	
6 BRIEF DESCRIPTION OF RECORDS REQUESTED			
7 DATE OF REQUEST	8 DATE REQUEST RECEIVED	9 FIRST SUSPENSE DATE	10 SECOND SUSPENSE DATE
11 CHECK REASON(S) FOR 10-DAY EXTENSION ( ) LOCATION OF RECORDS ( ) VOLUME OF RECORDS ( ) CONSULTATION WITH OTHER AGENCIES			12 DATE OF FINAL ACTION

13 NUMBER AND TYPES OF ACTIONS

ITEM	NUMBER	16 REMARKS/STATUS
a Total releases		
b Total denials		
c Partial releases		
d Partial denials		
e Other (1) No record		
(2) Requester withdrew request		
(3) Failed to reasonably describe record		
(4) Failed to comply with published rules		
(5) Request was referred (specify total number of referrals)		
TOTAL ACTIONS		

14 EXEMPTIONS INVOKED UNDER 5 USC 552(b)(CHECK)
( )1 ( )2 ( )3 ( )4 ( )5 ( )6 ( )7 ( )8 ( )9

15 STATUTE INVOKED IF EXEMPTION (b)(3)

TYPED NAME OF FOIA/PA OFFICER	SIGNATURE	DATE

DCAA FORM 5410-2(R)
NOV 83

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ADDRESSING FOIA REQUESTS

Description of DCAA's Central and Field Organization and Mission

A. PURPOSE. This section implements 5 U.S.C. 552 by describing the central and field organizations of DCAA.

B. ORIGIN AND AUTHORITY. DCAA was established by the Secretary of Defense under Department of Defense (DoD) Directive 5105.36 and began operating on 1 July 1965. Its Director reports to the Comptroller of the Department of Defense.

C. OBJECTIVE. Assist in achieving the objective of prudent contracting by providing DoD officials responsible for procurement and contract administration with financial information and advice on proposed or existing contracts and contractors, as appropriate.

D. MISSION.

1. DCAA performs all necessary contract audit for DoD, and provides accounting and financial advisory service regarding contracts to all DoD components responsible for procurement and contract administration. These services are provided in connection with negotiation, administration, and settlement of contracts and subcontracts. It also furnishes advisory contract audit service to a number of other government agencies under agreements between DoD and such agencies.

2. DCAA audits contractors' and subcontractors' accounts, records, documents, and other evidence; systems of internal control, accounting, costing, estimating, and general business practices and procedures to give advice and recommendations to procurement and contract administration personnel on (1) acceptability of costs incurred under cost, redetermination, incentive, and similar type contracts; (2) acceptability of estimates of costs to be incurred as represented by contractors incident to the award, negotiation, and modification of contracts; (3) and adequacy of contractors' accounting and financial management systems and estimating procedures. DCAA also performs post-award audits of contracts for compliance with the provisions of Public Law 87-653 (Truth in Negotiations), and reviews contractor compliance with the Cost Accounting Standards.

3. DCAA assists responsible procurement or contract administration activities in their surveys of the purchasing-procurement systems of major contractors; and cooperates with other DoD components on reviews, audits, analyses, or inquiries involving contractors' financial positions or financial and accounting policies, procedures, or practices. DCAA also maintains liaison auditors at major procuring and contract administration offices and provides assistance in the development of procurement policies and regulations.

E. COMPOSITION.

1. DCAA consists of seven major organizational components: a Headquarters and six regions. The six regional offices manage over 400 field audit offices (FAOs) and suboffices located throughout the United States and overseas. An FAO is identified as either a branch office or a resident office. Suboffices are established by regional directors as extensions of FAOs when required to furnish contract audit service more economically. A suboffice is dependent on its parent FAO for release of audit reports and other administrative support.

2. The Headquarters located at Cameron Station, Alexandria, Virginia consists of:

a. The Director who exercises worldwide direction and control of DCAA.

b. The Deputy Director who serves as principal assistant to the Director and acts for the Director in his absence.

c. The Assistant Director, Operations, authorized to act for the Director and Deputy Director in their absence, is responsible for staff functions related to audit management, and technical audit programs, supervises the Technical Services Center in Memphis, Tennessee and the procurement/contract administration liaison offices.

d. The Assistant Director, Policy and Plans, is responsible for audit policy and procedures and related liaison functions, and supervises the Defense Contract Audit Institute in Memphis, Tennessee.

e. The Assistant Director, Resources, is responsible for the programs and procedures related to the management and administration of resources required to support the audit mission.

f. The General Counsel provides legal and legislative advice to the Director and all members of the Agency staff.

g. The Executive Officer performs a variety of special projects and assignments for the Director and Deputy Director.

h. The Special Assistant for Quality Control reviews the Agency's compliance with established audit quality control standards, policies, and procedures and other internal control requirements.

3. Regional offices are located in Marietta, GA; Waltham, MA; Irving, TX; Los Angeles, CA; Philadelphia, PA; and San Francisco, CA. Regional directors direct and administer the DCAA audit mission, and manage personnel and other resources assigned to the regions; manage the contract audit program; and direct the operation of FAOs within their region. Principal elements of regional offices are the Regional Director, Deputy Regional Director, Regional Audit Managers, Regional Special Programs Manager, and Regional Resources Manager.

4. A resident office is established at a contractor's location when the amount of audit workload justifies the assignment of a permanent staff of auditors and support staff. A resident office may also perform procurement or contract administration liaison functions.

5. A branch office is established at a strategically situated location within the region, responsible for performing all contract audit service within the assigned geographical area, exclusive of contract audit service performed by a resident or liaison office within the area. A branch office may also perform procurement or contract administration liaison functions.

6. If requested, a DCAA liaison office is established at a DoD procurement or contract administration office when required on a full-time basis to provide effective communication and coordination among procurement, contract administration, and contract audit elements. Liaison offices assist in effective utilization of contract audit services.

DEFENSE CONTRACT AUDIT AGENCY OFFICES AND FOIA POINTS OF CONTACT

HEADQUARTERS, DCAA
ATTN: Records Administrator, (CMR)
Cameron Station Alexandria, VA 22304-6178

DCAA EASTERN REGION
ATTN: FOIA Coordinator
805 Walker Street, Suite 103
Marietta, GA 30060-2731

DCAA NORTHEASTERN REGION
ATTN: FOIA Coordinator
Waltham Federal Center
424 Trapelo Road
Waltham, MA 02154-6397

DCAA CENTRAL REGION
ATTN: FOIA Coordinator
5615 High Point Drive, Suite 701
Irving, TX 75038-2414

DCAA SOUTHWESTERN REGION
ATTN: FOIA Coordinator
2500 Wilshire Boulevard, Suite 405
Los Angeles, CA 90057-4367

DCAA MID-ATLANTIC REGION
ATTN: FOIA Coordinator
600 Arch Street, Room 4400
Philadelphia, PA 19106-1604

DCAA WESTERN REGION
ATTN: FOIA Coordinator
450 Golden Gate Avenue
San Francisco, CA 94102-3563

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